

Message

From: Kimball, Lori (Chip) K [lkimball@blm.gov]
Sent: 10/7/2020 8:07:38 PM
To: Robinson, Valois [Robinson.Valois@epa.gov]
CC: Woodfield, M C [mwoodfield@blm.gov]
Subject: RE: [EXTERNAL] Map showing BLM Land, alluvial aquifer, wellfields, land application areas, Plus EPA pond requirements

Thank you Valois. This will be a great help. I will study it.

Chip

From: Robinson, Valois <Robinson.Valois@epa.gov>
Sent: Wednesday, October 7, 2020 1:10 PM
To: Kimball, Lori (Chip) K <lkimball@blm.gov>
Subject: [EXTERNAL] Map showing BLM Land, alluvial aquifer, wellfields, land application areas, Plus EPA pond requirements

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Hi Chip,

After our call yesterday I thought it would be helpful to have the attached map that shows BLM Land, alluvial aquifer, wellfields, and land application areas under the SD DENR Groundwater Discharge Permit.

As for the EPA pond requirements, I was hoping the EPA website or an information sheet would make it easy to understand the EPA regulations that apply to these ponds, but that isn't the case.

I attached an approval letter that explains the process pretty well and provides terminology that might be useful. Basically, the operator submits a pond construct application that is approved by the EPA Air Program. Subpart W requirements apply to regulation of radon, which falls under the EPA Office of Radiation and Indoor Air.

The example was done before the updated Subpart W rule. The updated rule no longer limits the number of unconventional ponds to 2 and no longer limits the acreage to 40 acres. The Dewey-Burdock ponds are considered to be unconventional ponds under Subpart W because they are not tailings ponds found at a conventional uranium mill site.

The example doesn't talk about the pond construction requirements either, which is probably what BLM is most interested in.

Here is a summary of the pond requirements from our cumulative effects analysis document:

As required by 40 CFR § 61.252(c), these impoundments or ponds must be in compliance with the provision in 40 CFR § 192.32(a). In addition, the requirements in 40 CFR part 61 subpart A apply to subpart W regulated structures. Subpart A requires owners or operators to submit to the EPA an application for approval for either construction or modification of

subpart W regulated structures (i.e. all ponds holding uranium byproduct material whether treated or not) before the construction or modification is planned to commence (40 CFR § 61.07).

Subpart W requires ponds to meet the requirements of 40 CFR 192.32(a), which in turn requires the ponds or surface impoundments to be "designed, constructed and installed in such a manner to conform to the requirements" of 40 CFR 264.221. In general, this means the ponds must have:

1. A composite bottom liner consisting of a least two components;
 - a. an upper component or liner that prevents migration of hazardous constituents, and
 - b. a secondary liner that will minimize migration should the upper component fail, and
2. A leachate collection and removal system between the two liners.

Subpart W was updated to remove requirements that were not needed for unconventional impoundments (see, 82 FR 5142, 1/17/2017). The regulation no longer limits the number of unconventional impoundments (or ponds) to no more than two and 40 acres.

Let me know if you would like to talk about this in person.

Valois

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